



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert P. Kimberly et al.

Serial No.: 10/049,329

Group Art Unit: 1634

Filing Date: June 10, 2002

Examiner: Jeanine Anne Goldberg

For: GENETIC POLYMORPHISM IN THE IL-10 PROMOTER

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed October 28, 2004 issued in connection with the above-identified application, please consider the following remarks.

REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121 and §372:

- Group I: Claims 1-8, drawn to a method for determining IL-10 promoter alleles specific to an individual human and a method of predicting a human immunoresponse to a disease using an IL-10 promoter genotype.
- Group II: Claim 9, drawn to a kit comprising reagents for identifying a SNP in IL-10 promoter genotype with instructions.

Group III: Claims 10-11, drawn to a diagnostic for disease comprising an IL-10 promoter region having a SNP.

Responsive to the requirement for restriction, Applicant elects to prosecute the invention of Group I directed to a method for determining IL-10 promoter alleles specific to an individual human and a method of predicting a human immunoresponse to a disease using an IL-10 promoter genotype, **without traverse**.

Respectfully submitted,



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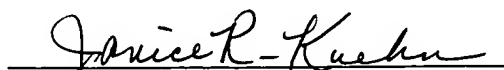
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I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Janice R. Kuehn